

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

DOCKET NO. 04-CV-10924-NMG 3 P 3:03

U.S. DISTRICT COURT  
DISTRICT OF MASS.

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PETER MOREY, D.V.M.  
998 Bedford Road  
Carlisle, MA 01741

Plaintiff,

v.

HEALTHY PET CORPORATION OF  
MASSACHUSETTS  
998 Bedford Road  
Carlisle, MA 01741

and

HEALTHY PET CORPORATION  
1720 Post Road  
Fairfield, CT 06430

Defendant.

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**JOINT MOTION TO CONTINUE TRIAL DATE**

Now come the parties in the above matter and state as follows:

This matter is currently set for Trial commencing May 15, 2006.

The parties have engaged in fruitful settlement discussions and are extremely close to a resolution.

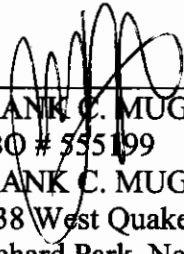
Key depositions were not conducted while the parties addressed possible settlement. While the parties are very close to settlement, a decision has been made to conduct two additional depositions on May 11, 2006 at the Defendants' corporate

headquarters in Connecticut. Thereafter, the Defendant will be taking the deposition of the Plaintiff, Dr. Peter Morey.

It is respectfully requested that the Court continue the Trial until on or after July 15, 2006 so as to enable the parties to complete discovery and possibly obtain a settlement in the case.

Dated: Orchard Park, New York  
March , 2006

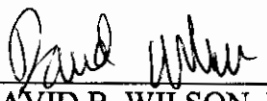
Plaintiff,  
DR. PETER MOREY,  
By his Attorney,



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FRANK C. MUGGIA, ESQ.  
BBO # 555199  
FRANK C. MUGGIA & ASSOCIATES  
6438 West Quaker Street  
Orchard Park, New York 14127  
(716) 667-9700

Defendant,  
HEALTHY PET CORPORATION,  
By its Attorney,



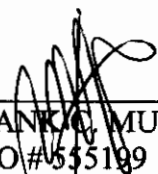
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DAVID B. WILSON, ESQ.  
BBO # 548359  
ROBINSON & COLE, LLP  
One Boston Place  
Boston, MA 02108-4404  
(617) 557-5935

**CERTIFICATE OF SERVICE**

I, Frank C. Muggia, do hereby certify that on the 31<sup>st</sup> day of March, 2006, a copy of the Joint Motion to Continue Trial Date was served upon the following:

David B. Wilson, Esq.  
Robinson & Cole, LLP  
One Boston Place  
Boston, MA 02108-4404



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FRANK C. MUGGIA, ESQ.  
BBO #555199  
FRANK C. MUGGIA & ASSOCIATES  
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(716) 667-9700